



Radiocommunications Legislation (2018 Measures No. 1) Instrument 2018

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this instrument under subsections 162(1) and 182(1) of the *Radiocommunications Act 1992*.

Dated: 3 December 2018

Nerida O'Loughlin
[signed]
Member

Chris Jose
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of instrument

This instrument is the *Radiocommunications Legislation (2018 Measures No. 1) Instrument 2018*.

2 Commencement

This instrument commences on the later of:

- (a) the day after it is registered; and
- (b) the commencement of the *Radiocommunications (Intelligent Transport Systems) Standard 2018*.

Note 1: All legislative instruments and compilations are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See www.legislation.gov.au.

Note 2: Both of the events mentioned in section 2 must occur before this Determination commences.

3 Authority

This instrument is made under subsections 162(1) and 182(1) of the *Radiocommunications Act 1992*.

4 Amendments

The instruments that are specified in the Schedules are amended as set out in the applicable items in the relevant Schedule.

Schedule 1

Radiocommunications (Short Range Devices) Standard 2014 [F2014L01253]

1 Section 4, after the definition of *included in a class of radiocommunications devices*

Insert:

LIPD Class Licence means the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015*.

2 Section 4, definition of *low interference potential device*

Omit “*Radiocommunications (Low Interference Potential Devices) Class Licence 2015*”, substitute “LIPD Class Licence”.

3 Paragraph 5(1)(a)

After “short range device”, insert “or a low interference potential device”.

4 Section 8, heading

After “Standard for performance”, insert “- short range devices”.

5 Subsection 8(1)

After “applicable device”, insert “, other than a low interference potential device to which section 8A of this Standard applies”.

6 After section 8

Insert:

8A Standard for performance – low interference potential devices

- (1) Subject to subsection (2), for paragraph 162(1)(a) of the Act, the standard for performance of a low interference potential device is the instrument (*relevant instrument*), as in existence at the relevant date for the device, specified for that device in Column 4 of Schedule 1 to the LIPD Class Licence, as in force at the relevant date for the device.
- (2) If, for a low interference potential device, no instrument is specified in Column 4 of Schedule 1 to the LIPD Class Licence, then section 8 of this Standard applies to the low interference potential device and this section does not apply to the device.
- (3) If the relevant date for the device occurs during a transition period, the standard for performance with which the device must comply is either:
 - (a) subsection (1) applying the relevant instrument as in existence immediately before the transition period commenced; or
 - (b) subsection (1) applying the relevant instrument as in existence during the transition period.
- (4) If:
 - (a) the LIPD Class Licence or a relevant instrument is amended or replaced during a transition period (the *first transition period*) so that there is a further transition period (the *second transition period*); and

(b) the relevant date for the device occurs at a time when the first transition period and the second transition period overlap;
the standard for performance with which the device must comply is one of the following:

- (c) subsection (1) applying the LIPD Class Licence or the relevant instrument, as the case may be, as in existence immediately before the first transition period commenced; or
- (d) subsection (1) applying the LIPD Class Licence or the relevant instrument, as the case may be, as in existence during the first transition period; or
- (e) subsection (1) applying the LIPD Class Licence or the relevant standard, as the case may be, as in existence during the second transition period.

(5) If the LIPD Class Licence or a relevant instrument is:

- (a) amended; or
- (b) replaced;

then, for the purposes of this section, the *transition period* is the 1 year period commencing on the day the LIPD Class Licence or the relevant instrument, as the case may be, was:

- (c) amended; or
- (d) replaced;

as the case may be.

7 After section 9

Insert:

9A Transitional arrangements – low interference potential devices manufactured, imported or modified before commencement of amendments

If:

- (a) the relevant date for a low interference potential device to which section 8A applies occurred before the commencement of the *Radiocommunications (Short Range Devices) Amendment Standard 2018 (No. 1)*; and
- (b) at the relevant date the device complied with this Standard, as in force on that date;

then the device is taken to comply with this Standard.

Schedule 2

Radiocommunications (Compliance Labelling – Devices) Notice 2014 [F2014L01236]

1 Schedule 2, after numbered item 15

Insert:

16	<i>Radiocommunications (Intelligent Transport Systems) Standard 2018</i>	1
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